

Patent
Docket No. PLX-001-1P US
2245447004

of assets such as brand names, trademarks, and service marks. (Col. 16, lines 50-59). Specifically, the Eder reference discloses retrieving unspecified information from on-line publications, counting hits on a search engine, and counting references to a brand name using software agents. (Col. 16, line 50 through col. 17, line 4). Thus, the Eder reference fails to disclose, teach, or suggest storing information about an intellectual property asset including a technology classification nor storing any information about publicly traded securities according to technology classifications.

Turning to the present claims, claim 17 recites a method for providing a valuation of an intellectual property asset that includes storing information about the intellectual property asset in a database, the information including a technology classification, storing information about publicly traded securities according to the technology classification in the database, and generating a valuation based on call option pricing theory, using the information about the intellectual property asset and the information about the publicly traded securities stored in the database.

As explained above, the Eder reference fails to disclose, teach, or suggest "storing information about an intellectual property asset, the information comprising a technology classification," as claimed. In addition, the Eder reference does not disclose, teach, or suggest "storing information about publicly traded securities according to the technology classification in the database." Finally, the Eder reference fails to disclose, teach, or suggest using the information about the intellectual property asset and the information about the publicly traded securities to generate a valuation of the asset based upon any theory, let alone upon call option pricing theory. Accordingly, claim 17 and its dependent claims are not obvious in light of the Eder reference.

The Kossovsky et al. reference fails to provide any teaching or suggestion of these limitations that are absent from the Eder reference. Instead, the Kossovsky et al. reference merely discloses considering the relative risk tolerance of a licensor and licensee when determining the valuation of technology being licensed. Therefore, claim 17 and its dependent claims are also not obvious even if the Kossovsky et al. reference were somehow combined with the Eder reference.

For similar reasons, claims 1, 33, 49, 51, 53, and their dependent claims are also not obvious in light of the cited references, either alone or in combination. Each of these claims recites similar limitations to those present in claim 17, which are absent from the cited references.

Turning to claim 25, a method is recited for determining a suggested price for transfer of intellectual property rights between buyers and sellers of intellectual property assets that includes

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storing information about a term of an intellectual property asset and about licensing conditions offered by the seller in a database, and generating a suggested asking price wherein a value of the intellectual property rights is modified according to the licensing conditions.

The Eder reference does not disclose, teach, or suggest anything about licensing conditions related to a intellectual property asset generally, nor "storing information about a term of an intellectual property asset and about licensing conditions," specifically. In contrast, the Eder reference merely discloses determining the valuation of an enterprise that includes using information related to the brand names of the enterprise. Specifically, the Eder reference fails to disclose, teach, or suggest generating a suggested asking price for intellectual property rights that is modified according to the licensing conditions.

The Kossovsky et al. reference also fails to disclose, teach, or suggest these limitations, and, in particular, does not discuss terms and licensing conditions. Instead, the Kossovsky et al. reference merely discusses relative risk tolerance of parties to a licensing situation. Thus, claim 25 and its dependent claims are not obvious in view of the Eder and Kossovsky et al. references, either alone or in combination.

For similar reasons, claims 9, 41, 50, 52, 54, and their independent claims are also not obvious in light of the cited references.

In view of the foregoing, it is submitted that the claims now presented in this application define patentable subject matter over the cited prior art. Accordingly, reconsideration and allowance of the application is requested.

DATE: January 8, 2003

Respectfully submitted,

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Date Mailed September 18, 2002 Due Date:
Applicant(s) Nir Kossovsky, Bear Brandegee, Alexander K. Arrow Atty. Docket/ PLX-001-1P-US
Billing No. 24544-7004
Title: ONLINE PATENT & LICENSE EXCHANGE
Serial No. 09/580,005 Filing Date: May 26, 2000

Commissioner for Patent
Washington, DC 20231

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